

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NEXON LIMITED,

Plaintiff,

v.

EAGLEPICHER TECHNOLOGIES LLC,  
et al.,

Defendants.

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Civil Action No. 15-955-RGA

**ORDER**

Having considered the parties' letters (D.I. 202, 203), the Court GRANTS in part Plaintiff's Motion to Dismiss Second Amended Complaint (D.I. 193), and DISMISSES with prejudice Plaintiff's Second Amended Complaint (D.I. 75). The motion for leave to file sur-reply (D.I.198) is DISMISSED as moot.

Defendants are REQUESTED to file a letter within a reasonable time advising of their view as to whether the Covenant Not to Sue (D.I. 202, Exh. B) divests this Court of jurisdiction on their Counterclaims, with appropriate citation to authority. Plaintiff may respond within a reasonable time to Defendants' letter. The parties are expected to discuss with each other the impact of the Covenant before filing any letters.

IT IS SO ORDERED this 25 day of June 2018.

  
United States District Judge